

## REMARKS

Reconsideration of this Application is respectfully requested. Upon entry of the foregoing amendment, claims 1-19, 21-41, and 43-62 are pending in this application with claims 1, 10, 19, 22, 26, 31, 32 and 43 being the independent claims. The Applicants respectfully request that the Examiner reconsider and withdraw all outstanding rejections.

### *Claim Rejections Under 35 U.S.C. 103 (a)*

Claims 1-19, 21-41, 43-46, 48-51 and 58-61 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pub. No. US 2001/0038999 by Hainey, II (“Hainey”) in view of Microsoft Office Shortcut Bar (“Microsoft Office”) and further in view of Microsoft Paint, copyright 1981-1998 version 4 (“Microsoft Paint”).

Claims 47, 52-57 and 62 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hainey in view of Microsoft Office and Microsoft Paint, and further in view of U.S. Patent No. 5,949,408 to Kang et al. (“Kang”).

### *Claims 1 and 43 and their Dependent Claims*

Claims 1 and 43 each recite “at least one of the plurality of interactive tools enabling the selection of one of a plurality of activities” and “at least another of the plurality of interactive tools enabling the selection of one of a plurality of characteristics associated with said at least another one of the plurality of interactive tools, said plurality of characteristics configured to vary based on the selection of said one of said plurality of activities.” None of Hainey, Microsoft Office or Microsoft Paint, alone or in combination, disclose or suggest such a device.

Specifically, as the Examiner concedes, Hainey and Microsoft Office do not disclose “enabling the selection of one of a plurality of characteristics associated with said at least another one of the plurality of interactive tools, said plurality of characteristics configured to vary based on the selection of said one of said plurality of activities.” Hainey discloses a hand-held device that provides drawing activities for which the user can perform certain drawing functions on a display of the device. The device includes icons on the display that a user can select with a

stylus. The icons can provide further options available within a selected category. Hainey, however, does not disclose that the options associated with an icon can vary depending on a particular activity selection by the user. In other words, in Hainey, the options associated with an icon are always the same.

Microsoft Office discloses tool bars and icons, but does not disclose an interactive tool enabling the selection of a characteristic from a plurality of characteristics associated with that interactive tool, where the plurality of characteristics can vary depending on a selection of an activity. Characteristics associated with tools in Microsoft Office do not vary depending on a particular activity selected by a user. Rather, as with the options in Hainey, characteristics of an icon in Microsoft Office remain the same regardless of the activity. Thus, neither Hainey nor Microsoft Office disclose or suggest a device as recited in claims 1 and 43, as amended.

The Examiner asserts that Microsoft Paint discloses a drawing program with various tools wherein a selection of certain tools enables a sub menu of characteristics for the selected tool to appear. The Examiner has not, however, provided any explanation as to how Microsoft Paint provides “enabling the selection of one of a plurality of characteristics associated with said at least another one of the plurality of interactive tools, said plurality of characteristics configured to vary based on the selection of said one of said plurality of activities,” as recited in claims 1 and 43.

Specifically, Microsoft Paint discloses sub menus of characteristics associated with some of the selectable tool icons, but the sub menus of characteristics are always the same for that particular tool icon. Thus, the sub menus of characteristics do not change based on the particular activity that has been selected, as recited in claims 1 and 43.

Accordingly, for at least this reason Applicants respectfully submit that claims 1 and 43 are patentable. Based at least upon their dependence from claims 1 and 43, claims 2-9, 29-30 and 52 (dependent from claim 1) and claims 44-51 (dependent from claim 43) are also patentable.

***Claim 10 and its Dependent Claims***

Claim 10 recites “the first predetermined characteristic of the at least one interactive tool being associated with the drawing activity and the second predetermined characteristic of the at least one interactive tool being associated with the second activity and not the first activity.” None of Hayney, Microsoft Office or Microsoft Paint, alone or in combination, disclose or suggest such a device.

Specifically, the Examiner again has provided no explanation as to how Hayney, Microsoft Office or Microsoft Paint provide an interactive tool having a first predetermined characteristic associated with a drawing activity, and a second predetermined characteristic associated with the second activity and not the first activity, as recited in claim 10. As stated above with regard to claims 1 and 43, the tools within Hayney, Microsoft Office, and Microsoft Paint have the same characteristics/options regardless of what activity is selected. Specifically, Microsoft Paint does not disclose or suggest the selection of a first activity or a second activity, where the sub menu of characteristics associated with a particular tool is different depending on whether the first activity or second activity is selected. In fact, Microsoft Paint is entirely silent as to the ability to selectively display a first activity or a second activity.

Accordingly, at least for this reason Applicants respectfully submit that claim 10 is patentable. Based at least upon their dependence from claim 10, claims 11-18, and 53 are also patentable.

***Claim 19 and its Dependent Claims***

Claim 19 recites “the selected interactive tool being one of available or unavailable based on the selected one activity from a plurality of activities” and “if the state of the interactive tool is available, displaying indicia of a characteristic associated with the selected interactive tool, the plurality of characteristics of the selected interactive tool including a drawing characteristic unique to the selected one of a plurality of activities.” For similar reasons as stated above for claims 1, 43, and 10, none of Hayney, Microsoft Office or Microsoft Paint, alone or in combination, disclose or suggest such a device.

Specifically, Hainey and Microsoft Office do not change availability of an interactive tool based on a selected activity. Rather, the tools of Hainey and Microsoft Office are the same regardless of the activity. In addition, the tools of Hainey and Microsoft Office do not provide a drawing characteristic that is unique to a selected activity. Instead, the drawing characteristics available in both Hainey and Microsoft Office are the same regardless of the selected activity. Microsoft Paint also does not disclose that the selected interactive tool is one of available or unavailable based on the selected activity and the plurality of characteristics of the selected interactive tool includes a drawing characteristic unique to the selected activity. As stated above, the characteristics of a particular tool in Microsoft Paint are always the same for that tool, regardless of the activity. Further, Microsoft Paint does not disclose receiving a selection of one activity from a plurality of activities recited in claim 19.

Accordingly, at least for this reason Applicants respectfully submit that claim 19 is patentable. Based at least upon their dependence from claim 19, claims 21 and 54 are also patentable.

***Claim 22 and its Dependent Claims***

Claim 22 recites “determining a first characteristic of a selected interactive tool . . . the first characteristic being configured to interact with the retrieved drawing activity application” and “determining a second characteristic of the selected interactive tool . . . the second characteristic being configured to interact with the retrieved second activity application, and not the first activity application.” None of Hainey, Microsoft Office, or Microsoft Paint, alone or in combination, disclose or suggest such a device.

Specifically, Hainey does not disclose or suggest an interactive tool having a first characteristic configured to interact with a drawing activity, and a second characteristic configured to interact with a second activity, and not the drawing activity, as recited in claim 22. As stated above, Hainey discloses icons that have a set of options that are the same regardless of the activity. In other words, an icon in Hainey does not have an option configured to interact with a first activity and another option configured to interact with a second activity and not the

first activity. For similar reasons as stated above for claims 1, 43, 10 and 19, Microsoft Office and Microsoft Paint also do not disclose or suggest such a device.

Accordingly, at least for this reason Applicants respectfully submit that claim 22 is patentable. Based at least upon their dependence from claim 22, claims 23-25 and 55 are also patentable.

***Claim 26 and its Dependent Claims***

Claim 26 recites “said first selectable item including a plurality of drawing activities . . .” and “said interactive tool having at least one characteristic in a first state . . . upon receipt of a selection of a drawing activity from said plurality of drawing activities of said first selectable item . . . determining whether to modify said at least one characteristic of said interactive tool from said first state associated with the first selectable item to a second different state associated with the selection of said first selectable item.” None of Hainey, Microsoft Office or Microsoft Paint, alone or in combination, disclose or suggest such a device.

Specifically, none of the devices of Hainey, Microsoft Office or Microsoft Paint disclose determining whether to modify a characteristic of a selectable interactive tool based on a selection of a drawing activity, as recited in claim 26. As stated above, in each of the devices of Hainey, Microsoft Office and Microsoft Paint, the characteristics associated with a tool are always the same for that particular tool.

Accordingly, at least for this reason Applicants respectfully submit that claim 26 is patentable. Based at least upon their dependence from claim 26, claims 27-28 and 56 are also patentable.

***Claim 31 and its Dependent Claims***

Claim 31 recites “the second characteristic being associated with the second drawing activity and not the first drawing activity.” None of Hainey, Microsoft Office or Microsoft Paint, alone or in combination, disclose or suggest such a device. Specifically, none of Hainey, Microsoft Office or Microsoft Paint disclose or suggest a device having a first read-only memory

with a first drawing activity, a second read-only memory with a second drawing activity and an interactive tool having a first characteristic and a second characteristic where the second characteristic is only associated with the second drawing activity and not the first drawing activity, as recited in claim 31. As stated above, in all of Hainey, Microsoft Office, and Microsoft Paint the icons/toolbars do not have a characteristic (or option) that is associated with a first activity and not a second activity. Rather, the characteristics/options of the icons/toolbars of Hainey, Microsoft Office and Microsoft Paint are the same regardless of the activity.

Accordingly, at least for this reason Applicants respectfully submit that claim 31 is patentable. Based at least upon their dependence from claim 31, claims 57-61 are also patentable.

#### ***Claim 32 and its Dependent Claims***

Claim 32 recites “each of the plurality of selectable icons being one of activated and inactivated based on an activity selected from a plurality of selectable activities.” None of Hainey, Microsoft Office or Microsoft Paint, alone or in combination, disclose or suggest such a device. Microsoft Office does not disclose selectable icons that are either activated or inactivated based on the selection of a particular activity. As stated above, Microsoft Office and Microsoft Paint disclose tools and icons having characteristics that are the same regardless of the activity. Neither Microsoft Office or Microsoft Paint disclose that a characteristic of a tool (e.g., being activated or inactivated) varies based on the selection of an activity.

Accordingly, at least for this reason Applicants respectfully submit that claim 32 is patentable. Based at least upon their dependence from claim 32, claims 33-41 and 62 are also patentable.

### CONCLUSION

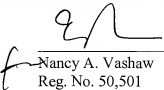
All of the stated grounds of rejection have been properly traversed or rendered moot. The Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections, and that they be withdrawn. The Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

Dated: June 17, 2007

COOLEY GODWARD KRONISH LLP  
ATTN: Patent Group  
1200 19<sup>th</sup> Street, NW, 5<sup>th</sup> Floor  
Washington, DC 20036  
Tel: (703) 456-8000  
Fax: (202) 842-7899

Respectfully submitted,  
**COOLEY GODWARD KRONISH LLP**

By:  reg. No. 42567  
Nancy A. Vashaw  
Reg. No. 50,501